



MINUTES
Meeting of Committee on Public Service
Friday, August 5, 2016 @ 2:00 p.m.
Tenth Floor Conference Room – Lansing City Hall

CALL TO ORDER

The meeting called to order at 2:04 p.m.

ROLL CALL

Councilmember Kathie Dunbar, Chair
Councilmember Patricia Spitzley, Vice Chair
Councilmember Adam Hussain, Member

OTHERS PRESENT

Sherrie Boak, Council Staff
Kathy Miles
Jon Miles
Jim Smiertka, City Attorney
Scott Sanford, Code Compliance Officer
Bob Johnson, Planning & Neighborhood Development Director
Dulce Cardenas
Paulette Carter-Scott
Olivia Kaatz, Council Member Dunbar Intern

MINUTES

MOTION BY COUNCIL MEMBER HUSSAIN TO APPROVE THE MINUTES OF MAY 20, 2016 AS PRESENTED. MOTION CARRIED 3-0.

Introductions

Discussion/Action:

RESOLUTION – Board Appointment; Dulce Cardenas; 4th Ward Member Public Service Board; Term to Expire June 30, 2020

The Committee reviewed the application. Council Member Dunbar inquired with Ms. Cardenas on her interest in the other committees listed on her application. Ms. Cardenas gave an overview of her education and future plans with a focus towards her recent degree and her interest in the Public Service Board. Ms. Cardenas inquired into what the Committee was looking for in a Board member for the Public Service Board. Council Member Hussain referenced some of the public boards he sat on and emphasized that a member should be accessible and open for discussion. Council Member Hussain then asked her how she had

found out about a vacancy, which she stated her communication with a neighborhood board member who suggested she apply. Council Member Spitzley spoke in support of the appointment. Council Member Dunbar outlined the Boards role and their recommendations to Committee, encouraging her to contact Council Members with any questions.

MOTION BY COUNCIL MEMBER HUSSAIN TO APPROVE THE RESOLUTION FOR THE APPOINTMENT OF DULCE CARDENAS AS THE 4TH WARD TO THE PUBLIC SERVICE BOARD. MOTION CARRIED 3-0.

RESOLUTION – Board Appointment; Paulette Carter-Scott; At-Large Member Park Board; Term to Expire June 30, 2020

Council Member Dunbar asked Ms. Carter-Scott about the multiple boards listed on her application, and why the Parks Board. Ms. Carter-Scott acknowledged her great interest in history, and the other boards, however recently became involved in health and fitness, changing her interest in a Board now to include Parks. Ms. Carter-Scott went on to speak about visits to parks, City and Council and the amenities she wishes to encourage other residents to utilize. Council Member Dunbar encouraged Ms. Carter-Scott to attend neighborhood meetings to inquiry on their input and provide information to the residents.

MOTION BY COUNCIL MEMBER SPITZLEY TO APPROVE THE RESOLUTION FOR THE APPOINTMENT OF PAULETTE CARTER-SCOTT AS AT-LARGE MEMBER OF THE PARK BOARD. MOTION CARRIED 3-0.

DISCUSSION – Glenburne Commons

Council Member Dunbar gave a history on the area, referenced maps and feedback from the residents in the area to address the nuisance. Council Member Hussain added to the overview by stating his discussions with residents want it taken care of, but has not received any comments from them if they are willing to pay thru a special assessment. Council Member Spitzley acknowledged her conversations have brought forth responses that residents to not want to pay anything for upkeep, and some even believe it is a City park. Council Member Dunbar continued with the history on the property which was built in 1970 and platted as an association with collectible dues to address common areas and maintenance fees. This included an assessment to the association annually. It was unclear when this process and the association ceased to exist, but when it did they stopped collecting dues. Since 1970 until the current date, homes have sold and people are coming in to the research title which says they are part of a recorded association and they are responsible for dues and the area in question. At this time there is no one or association that is claiming responsibility of the dues, maintenance or assessments. In 2000 they agreed to a special assessment to pay the City to mow, however it did not cover the cost, because there were additional expenses to remove debris. This assessment was argued by the residents, Council did not want to do the assessment, and the Mayor pulled the assessment option. This then left it up to the association and homeowners to maintain.

The question before the Committee to review was how to rectify the dumping, overgrowth, and rodents. Options the Committee discussed were assessments, notifying the residents with copies of the recorded documents, covenants so they are bound by the recorded documents since 1972. Council Member Spitzley spoke in support of a letter to the resident but also encouraged a community meeting to explain to the homeowners. Council Member Dunbar did confirm that Council does have the authority to issue a special assessment for health and safety, but the recorded Association by-laws specially say they cannot be excluded even if your property does touch the parcels in question.

Mr. Smiertka confirmed the residents could initiate a special assessment, they could reconstitute the Association with a 2/3 vote, and amend the by-laws to change the rules. Council Member Spitzley asked if the Association is officially dysfunctional or just inactive. Mr. Smiertka confirmed his information that the corporation was dissolved in 1981, so it is an unincorporated association that is inactive. This leaves issues that owners could be liable for everything. Council Member Spitzley then asked if there was an entity that can act or assess to manage it. Mr. Smiertka stated it is not an active association anymore, the legal title is sold in terms of responsibility, and so the liability of the property is the owner. The quickest way to address this if there is not a majority for a receiver, then they appoint by the court. They will then have a receiver who would act as the association and do the assessment. Again this would involve the courts and notification to the residents to occur.

Mr. Johnson read the 1970 property certificate which stated in the 1st paragraph, line 5 that say this is private property with pathways for everyone. The current assessment would be \$128.50 per lot today with current costs, and in 1970 it was \$39. The taxes were by paid by the homeowners and part of the assessment. Mr. Smiertka informed the Committee that in his historical search, they located 5 files. There have been prior special assessments; they have assessed individuals or vacant land effectively. Council Member Dunbar asked what would occur if the taxes were not collected. Mr. Smiertka confirmed they could place lien. Mr. Sanford stated that in 2003 they did a special assessment district, which pushed the expenses to 317 parcels. This resolution for a special assessment was passed every year till 2008. In 2005 starting cleaning up the trash. It was up to \$4500-\$4800 for clean up, then an additional \$7,500 for mowing.

Council Member Husain asked if the association is dissolved if the property would go back to the local government entity or a charity. Mr. Johnson stated it would not, and there are only 5 similar situations to this in the state.

Council Member Spitzley asked Mr. Sanford if they pick up the trash can they bill the residents. Mr. Sanford answered they could not because it is not a common area, there has to be something in so the City can bill. In addition it would be billed everyone, and cannot be done to a resolution. It cannot be donated or sold without a 2/3 vote of the association, and 2/3 does not even touch the area.

Mr. Smiertka's opinion was that the best way is to get the association to reactivate. Council Member Dunbar added that if the City petitions for the receiver the residents might not be happy, and asked if anyone wants to develop it, would it be possible. Mr. Smiertka confirmed it would require an amendment of the plat. Council Member Spitzley then asked if they could split and vacate to the adjoining properties, but it was confirmed that too would have to go back to the association to amend the plat with a 2/3 vote. To address the nuisance, it could be declared a public nuisance, and then do a special assessment to remedy. He stated again they could appoint a receiver.

Council Member Dunbar acknowledged the assessment would be a onetime thing, and so a receivership would be the only way to address. Mr. Sanford recommended a resolution similar to the one used in the past. Council Member Spitzley's opinion was not in support of a receivership, but would support a resolution as was done in the past.

Mr. Johnson informed the Committee that there were meetings in the past, and even telling the residents of the history of the site, plat and association, they still said they would not pay.

Council Member Dunbar suggested sending a letter to everyone giving them notice of the resolution of assessment. Mr. Johnson was asked to create and provide a powerpoint or presentation to explain everything to them, and create a link to the history so they can be

prepared for the meeting. The letter can state if they cannot attend the meeting or have no access to the internet they can obtain the documents from the PND office.

Mr. Johnson asked to point out that the City currently owns 5 parcels in the subdivisions, so they too would get assessed. The Lansing Housing Commission owns 50 sites.

Council Member Hussain supported moving forward with the meeting, but requested they address the current nuisance. Mr. Smiertka again stated a receivership would be good, but the process getting there is filing a law suit, serving them, and they will have to appear in court. Council Member Dunbar suggested offering a special assessment as an alternative.

Council Member Spitzley asked Mr. Sanford after the work is done, how is the assessment determined.

Ms. Carter-Scott asked if the residents will be notified before the resolution, and Council Member Dunbar outlined the process for an assessment. This begins with a letter for a notice of hearing, and any supporting documents on the website with a common link.

The Committee was encouraged to reach out to the neighborhoods to get on their next agendas for discussion and explain the options to them. Council Member Dunbar acknowledged she would set up a resident meeting, with Council Staff drafting the letter to the residents. The City Attorney, Code Compliance and the Planning & Neighborhood Development department will create the agenda. This will include proposing the options of assessment, receivership, or reconstitute the association. Council Member Dunbar acknowledged the meetings will run parallel with the special assessment resolution on the clean up. This begins with identifying the assessment district, then notify the residents. Once it is voted on and approved, then the estimated costs will be determined and the residents will be notified. After the work is actually done, then the actual amount of the cost will be adjusted. Lastly the final roll will be set.

After hearing all the options if the residents want to reactivate their association, their current documents of declaration state they will meet the 1st Monday of March, but with a % of the association they can call a special meeting.

Council Member Dunbar stated that Sinnaire and Diversified Title should also attend the meeting.

The Committee consensus to have the meeting at the end of August, with a letter sent 10 days before with a link to the information on the website.

Ms. Miles informed the Committee of recent verification of homeless residents at the former Metro Bowl site. Mr. Sanford recommended she contact the LPD when she witnesses issues at the site with unlocked doors and potential homeless residents on site.

DISCUSSION- Transportation Infrastructure

Will be discussed at a future meeting.

OTHER

Lansing Board of Public Service Priorities

Will be discussed at a future meeting.

Place on file

Communication from Laura Salzer; RE: Parks

The Committee placed the document on file.

ADJOURN

The meeting was adjourned at 3:32 p.m.

Submitted by, Sherrie Boak,

Recording Secretary

Lansing City Council

Approved: October 24, 2016